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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,328	03/02/2001	Konstantinos Poulakis	41172	8449

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EXAMINER

GOFF II, JOHN L

ART UNIT

PAPER NUMBER

1733

DATE MAILED: 06/04/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/786,328

Applicant(s)

POULAKIS, KONSTANTINOS

Examiner

John L. Goff

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 12 March 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. This action is in response to Amendment B received on 3/19/03. The objections to the drawings, specification, and claims have been overcome. The 35 U.S.C. 112 rejections have been overcome. The substitute specification filed 3/12/03 has been entered. In view of applicants' amendment the rejections over Black and the admitted prior art in view of Black, Ladney, and Kenney et al. are withdrawn.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### ***Claim Rejections - 35 USC § 102***

3. Claims 12, 18, 21, 22, 26, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Banfield et al. (U.S. Patent 5,286,431).

Banfield et al. are directed to producing a molded product having a fastener. Banfield et al. teach a fastener, i.e. fleece, formed of materials such as polyester having a ferromagnetic coating thereon wherein the coating extends across an entire surface of the fleece. Banfield et al. teach the ferromagnetic coating comprises polyurethane, ferromagnetic material such as iron oxide powder, and solvent. Banfield et al. teach applying the ferromagnetic coating onto the fastener using a knife coater followed by drying the coated fastener. Banfield et al. teach attaching the fastener to a molded foam product by placing the fastener on a wall of a mold, producing a magnetic field to hold the fastener in position on the wall of the mold, molding a foam element in the mold, and removing the molded foam element with embedded fastener on its

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surface where the ferromagnetic coating is on a surface of the fastener opposite the molded foam (Figures 11-15 and Column 1, lines 9-17 and Column 5, lines 42-47 and Column 6, lines 14-18 and Column 7, lines 5-11, 13-17, 34-37, 41-42, 47-52, 55-57, and 66-68 and Column 8, lines 1-2 and 66-68).

***Claim Rejections - 35 USC § 103***

4. Claims 13, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banfield et al.

Banfield et al. are directed to producing a molded product having a fastener. Banfield et al. teach a fastener, i.e. fleece, formed of materials such as polyester having a ferromagnetic coating thereon wherein the coating extends across an entire surface of the fleece. Banfield et al. teach the ferromagnetic coating comprises polyurethane, ferromagnetic material such as iron oxide powder, and solvent. Banfield et al. teach applying the ferromagnetic coating onto the fastener using a knife coater followed by drying the coated fastener. Banfield et al. teach attaching the fastener to a molded foam product by placing the fastener on a wall of a mold, producing a magnetic field to hold the fastener in position on the wall of the mold, molding a foam element in the mold, and removing the molded foam element with embedded fastener on its surface where the ferromagnetic coating is on a surface of the fastener opposite the molded foam (Figures 11-15 and Column 1, lines 9-17 and Column 5, lines 42-47 and Column 6, lines 14-18 and Column 7, lines 5-11, 13-17, 34-37, 41-42, 47-52, 55-57, and 66-68 and Column 8, lines 1-2 and 66-68).

Regarding claim 13, Banfield et al. teach the fastener, i.e. fleece, comprises polyester. However, Banfield et al. are silent as to the specific amount of polyester in the fastener. One of ordinary skill in the art at the time the invention was made would have been readily expected to determine the amount of polyester in the fastener, as it is well known to use different amounts depending upon the type of desired fastener. Furthermore, determining the amount of polyester would have required nothing more than ordinary skill and routine experimentation.

Regarding claims 16 and 17, Banfield et al. teach the ferromagnetic coating comprises polyurethane, ferromagnetic material such as iron oxide powder, and solvent. One of ordinary skill in the art at the time the invention was made would have been readily expected to determine the optimum amounts of each material in the coating as it is well known to optimize these parameters depending upon the magnetic strength desired. Furthermore, determining the optimum amounts would have required nothing more than ordinary skill and routine experimentation. As to the specific types of polyurethane, ferromagnetic material, and solvent, Banfield et al. are not limited to any particular type, and absent any unexpected results, one of ordinary skill in the art would be readily expected to use any type.

Regarding claim 19, Banfield et al. teach applying the ferromagnetic coating using well known techniques such as knife coating and calender coating. Banfield et al. are not limited to any particular type of coating, and one of ordinary skill in the art would have readily appreciated using other well known types of coating such as nozzle coating as only the expected results would be achieved.

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5. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banfield et al. as applied above in paragraph 4, and further in view of Kenney et al. (U.S. Patent 5,725,928).

Banfield et al. as applied above teach all of the limitations in claims 14 and 15 except for a teaching on forming the fastener of PET, the specific amount of ferromagnetic coating used, and amount of each component in the ferromagnetic coating. One of ordinary skill in the art at the time the invention was made would have readily appreciated using PET as the material for forming the fastener as it was well known in the art to form fasteners of the type taught by Banfield et al. using PET as shown for example by Kenney et al.

Regarding the amount of ferromagnetic coating used and the amount of each component in the ferromagnetic coating, one of ordinary skill in the art at the time the invention was made would have been readily expected to determine these amounts as it is well known to optimize these parameters depending upon the magnetic strength desired. Furthermore, determining the optimum amounts would have required nothing more than ordinary skill and routine experimentation.

Kenney et al. are directed to attaching a fastener assembly to a foam element. Kenney et al. teach a base of the assembly formed of polymeric materials including polyester, polyurethane, and PET. Kenney et al. teach including ferromagnetic particles within the base or coating the base with a ferromagnetic coating that comprises ferromagnetic particles and polymeric materials including polyester and polyurethane. Kenney et al. teach placing the assembly with the ferromagnetic coating into a mold wherein the mold includes magnets to secure the assembly in place. Kenney et al. teach that the attraction between the ferromagnetic coating and the

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magnets keep the assembly stationary and prevent the molding material from fouling the outer surface of the assembly (Figures 1-6 and Column 1, lines 18-22 and Column 2, lines 62-67 and Column 3, lines 1, 5-13, and 22-27 and Column 4, lines 1-3 and Column 5, lines 20-27 and 33-36 and Column 6, lines 55-65 and Column 7, lines 30 and 54-60).

6. Claims 20 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Banfield et al. as applied above in paragraph 3, and further in view of Persoon (U.S. Patent 2,909,442) and Chebiniak (U.S. Patent 3,497,411).

Banfield et al. teach all of the limitations in claims 20 and 23-25 as applied above except for a teaching on using a transfer ribbon to apply the ferromagnetic coating to the fastener. However, it is well known in the art to use a transfer ribbon to apply a coating to a substrate as a means for controlling the width and thickness of the coating as shown for example by Persoon and Chebiniak. One of ordinary skill in the art at the time the invention was made would have readily appreciated coating the fastener taught by Banfield et al. using the well known transfer process as shown for example by Persoon and Chebiniak to control the width and thickness of the ferromagnetic coating.

Persoon is directed to applying a magnetic coating to a film. Persoon teaches applying the coating to a transfer carrier ribbon, laminating the transfer ribbon to the film using heat and pressure, and separating the ribbon and film to obtain a film with a magnetic coating of a desired thickness and width (Figures 1-3 and column 1, lines 43-48 and 55-57 and Column 2, lines 18-62). Chebiniak is directed to applying a magnetic coating to a substrate. Chebiniak teaches applying the coating to a transfer carrier substrate, laminating the transfer substrate to the end use substrate using heat and pressure, and separating the two substrates to obtain a substrate with a

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smooth magnetic coating. Chebiniak further teaches that the carrier substrate may incorporate a silicon lubricating substance (Column 1, lines 15-26, 37-38, 51,52, and 63-64 and Column 2, lines 11-14, 45-50, and 55-60 and Column 3, lines 68-73).

### *Response to Arguments*

7. Applicant's arguments with respect to claims 12-27 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.



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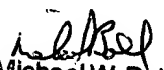
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **703-305-7481**. The examiner can normally be reached on M-Th (8 - 5) and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



John L. Goff  
May 28, 2003



Michael W. Ball  
Supervisory Patent Examiner  
Technology Center 1700